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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 Jesse Earhart,

7 Plaintiff,

8 v.

9 Steve Wolfson, et al.,

10 Defendants.

Case No. 2:22-cv-01463-RFB-DJA

11  
12 **Order**

13 After Plaintiff filed initiating documents without an application to proceed *in forma*  
14 *pauperis*, the Court gave Plaintiff until October 12, 2022, to apply to proceed *in forma pauperis*  
15 or pay the filing fee. (ECF No. 3). That deadline has passed. In ordering Plaintiff to file the  
16 application or pay the filing fee the Court explained that “if Plaintiff does not file a complete  
17 application or pay the full \$402 filing fee... on or before October 12, 2022, the Court will  
18 recommend dismissal of this action.” (*Id.*). To date, the Court has not received an application to  
19 proceed *in forma pauperis* or the filing fee.

20 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED**.

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23 **NOTICE**

24 This report and recommendation is submitted to the United States District Judge assigned  
25 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation  
26 may file a written objection supported by points and authorities within fourteen days of being  
27 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
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1 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d  
2 1153, 1157 (9th Cir. 1991).

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4 DATED: November 9, 2022

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7 DANIEL J. ALBRECHTS  
8 UNITED STATES MAGISTRATE JUDGE  
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